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Report by the Secretary-General concerning the credentials of the alternate representative of the United States of America on the Security Council

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a note verbale, dated 29 June 2009, from the Permanent Representative of the United States of America to the United Nations stating that Mr. Salman S. Ahmed has been appointed alternate representative of the United States on the Security Council.

In the opinion of the Secretary-General, the communication of 29 June 2009 constitutes adequate provisional credentials.

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Report of the Secretary-General on the United Nations Office for West Africa

I. Introduction

1. The present report is submitted pursuant to the request contained in the letter dated 21 December 2007 from the President of the Security Council (S/2007/754), in which the Council called on me to report on the fulfilment of the mandate of the United Nations Office for West Africa (UNOWA) every six months. The report covers the period from 1 January to 30 June 2009. It focuses on cross-cutting and cross-border issues in West Africa and on activities undertaken by UNOWA in cooperation with other United Nations entities and other international and regional organizations, including the Economic Community of West African States (ECOWAS).

II. Cross-border developments and trends

2. The overall peace and security situation in West Africa continued to improve. In spite of a number of debilitating internal and external factors, including food insecurity and the global financial crisis, West Africa is witnessing the emergence of positive trends towards peace, post-conflict recovery and stability. Progress in the areas of governance and the rule of law, although significant, have remained essentially fragile and might even be reversible in some areas. Furthermore, emerging and growing security threats, including organized crime, illicit and terrorist activities and climate change, jeopardize ongoing endeavours and the gains achieved so far.

A. Economic, social and humanitarian factors

Economic growth and effects of the global financial crisis

3. West African economies continue to grow, albeit at a slower pace. The dividends of economic growth are yet to be widely shared across all sections of West African societies. Prevailing trends in the subregion of great concentration of wealth within small groups of individuals, on the one hand, and rapidly deteriorating living conditions for the majority, on the other, are of concern as these are ingredients for instability and violence.

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4. Gains obtained in the economic sphere are countered in part by the negative effects of the ongoing global financial crisis. One important effect of the crisis has been a significant reduction in remittances from West African migrant workers, which could lead to a further deterioration in the living conditions of the most vulnerable. Recent data show that remittances received in Guinea-Bissau in 2008 were 18 per cent lower than in 2007; in Ghana, in January and February 2009, they were 16 per cent lower than those of the same period in 2008. For Senegal, the International Monetary Fund (IMF) has forecasted a 28 per cent decline in remittances in 2009. Prices for many of the subregion's main export commodities continue to decline.

5. Addressing the negative impact of the crisis on West African economies and societies has emerged as a priority for preventive action. Its magnitude will further stretch the already overburdened capacity of States to deliver social services and meet growing social demands, fuelling tensions and contributing to political instability.

Climate change and food security

6. Owing to a number of predisposing factors, including widespread poverty, rapid urbanization, high rates of population growth and overdependence on rain-fed agriculture, West Africa remains particularly vulnerable to food insecurity. The region also suffers from the ongoing slow-onset impact of desertification, and there are growing concerns across the subregion linked to rising sea levels along low-lying coastal areas, where at least 10 major cities are located.

7. Addressing the impact of climate change on food security in West Africa has become a priority for Governments and subregional organizations, especially as semi-subsistence agriculture forms the backbone of most West African economies and livelihoods, accounting for up to 90 per cent of annual food needs. Despite an encouraging harvest in 2008-2009, access to food remains a major concern for the most vulnerable populations. Rising food prices, deepening urban poverty and increasing environmental hazards in resource-constrained societies erode safety nets and social protection, exacerbate humanitarian needs and provide a breeding ground for political instability. The shifts in socio-economic patterns also accentuate tensions between herders and farmers and fuel local conflict, with potential subregional implications.

Humanitarian challenges

8. Epidemics continue to pose a serious humanitarian challenge in West Africa, which is facing the worst meningitis epidemic recorded in the last five years. With the onset of the rainy season, the humanitarian community in West Africa is paying greater attention to cholera and other gastrointestinal diseases. It is also actively assisting Governments of the subregion with their preparedness plans to deal with a potential A(H1N1) pandemic.

9. In an environment where humanitarian challenges are less conflict-related and more economy-driven, the role of the humanitarian sector in addressing the consequences of acute poverty and the potential impact of the global financial crisis should be clarified. The humanitarian and development communities need to widen their dialogue in order to generate the necessary funding support. With the notable exception of food and nutrition, all other domains have so far received less than one

third of the amount requested in the West Africa consolidated appeal process for 2009.

B. Drug trafficking and cross-border organized crime

10. Drug trafficking and cross-border organized crime continue to impact negatively on security in West Africa. However, persistent and growing international engagement, combined with bold initiatives undertaken at national and subregional levels are beginning to yield results.

11. Data on seizure of cocaine destined to and originating from West Africa show a significant downward trend, both in terms of quantities seized and individuals arrested. However, a decrease in seizures of narcotics does not necessarily imply a reduction in trafficking, but may indicate modification of the modus operandi of traffickers as a result of tougher law enforcement. Nonetheless, law enforcement and criminal justice authorities across West Africa are taking unprecedented steps in the fight against drug trafficking and the apprehension of perpetrators. Sustaining the current downward trend and consolidating operational cooperation mechanisms will remain an important challenge for West African States and their international partners.

12. Although drug trafficking is emerging as one of the more pervasive and dangerous forms of cross-border organized crime in West Africa, other illicit activities continue to be a source of concern. The Gulf of Guinea is confronted with multiple threats, including human smuggling, oil bunkering, the proliferation of small arms and light weapons and piracy. Another sensitive area is the Sahelian band where criminal and other armed groups increasingly conduct their activities in collaboration with terrorist groups operating in the area.

C. Governance, human rights and gender

13. Over the last few years, West Africa has achieved notable progress in the areas of democratization and consolidation of the rule of law. Transparent, free and fair elections are held regularly across the subregion, as in Mali and Senegal, where credible elections were held in the reporting period. Across West Africa, a particularly vibrant civil society acts as a powerful agent for the consolidation of democratic processes, and citizens are exercising their right to choose freely their leaders and their institutions.

14. Against this encouraging backdrop, the challenge of democratic governance and the resurgence of unconstitutional changes of Government are a growing concern. In its presidential statement (S/PRST/2009/11), dated 5 May 2009, the Security Council expressed its deep concern over the resurgence of unconstitutional changes of Government in a few African countries, and its concern at the possible violence that might accompany such events, as well as the negative impact on the economic and social welfare of the people and the development of affected countries. The majority of unconstitutional or violent changes of Government that occurred in the last few months in Africa occurred in the subregion.

15. Coups d'état are illegitimate acts that constitute a severe setback for democratization in West Africa and a threat to national cohesion and stability, with

significant subregional implications. As such, they require firm condemnation and response on the part of the international community. Unconstitutional changes of Government do not occur in a vacuum, however, nor are they limited to military coups. Although coups are by far their more radical form, unconstitutional changes of Government can take more subtle forms, such as the practice of constitutional review to extend an elected leader's term in office, or the failure to hold free, fair and transparent elections when they are due or to respect their outcomes.

16. The resurgence of coups d'état in West Africa has generated serious human rights concerns, a problem which has been compounded by the impunity of perpetrators in the military and security establishments of the countries concerned. Sexual and gender-based violence, arbitrary arrests and detention, as well as extrajudicial killings and unlawful expropriation of the property of the most vulnerable populations, continue to be reported across the subregion. Nonetheless, some substantive progress has been achieved. Increasing cooperation between the United Nations, the African Union, ECOWAS, the Mano River Union, and other regional, subregional and national organizations, has allowed for improved mainstreaming of human rights and gender in their response to threats to peace and security.

III. Activities of the United Nations Office for West Africa

17. UNOWA pursued its activities in implementation of its overall mandate of enhancing the contribution of the United Nations towards achieving peace and security in West Africa.

A. United Nations inter-institutional cooperation

18. During the reporting period, UNOWA has placed particular emphasis on building synergies among United Nations entities in the subregion. The Office organized meetings of heads of United Nations agencies in Dakar on 9 January and 23 April to share and exchange information on significant political and security issues affecting the subregion, including food security, the impact of the global financial crisis, specific countries of concern (Guinea, Guinea-Bissau, Mauritania and Togo) and other matters, such as aviation safety in West Africa. At the second meeting, participants were briefed on the initiative by the United Nations Regional Directors' Team to establish a regional observatory on vulnerabilities. This initiative is aimed at improving monitoring of various aspects of vulnerability in the subregion, strengthening collaboration between development and humanitarian actors and better identifying thresholds for humanitarian interventions in support of ongoing development programmes.

19. As a follow-up to the first meeting of regional directors and resident coordinators in West Africa convened by UNOWA on 11 December 2008, the Office convened, on 29 and 30 April in Dakar, a working-level session between representatives of the United Nations Development Programme (UNDP) Bureau for Crisis Prevention and Recovery, United Nations peace and governance advisers and the political units of peace missions in West Africa, during which terms of reference were developed for a subregional network of practitioners engaged in conflict prevention and peacebuilding. Together with other mechanisms for sharing

information and political analysis, this forum will enhance collaboration and cooperation between United Nations early warning and peace practitioners.

20. In its continuing efforts to enhance linkages in the work of the United Nations, UNOWA convened in Dakar its regular meetings of heads of United Nations peace missions in West Africa and conferences of force commanders of peace missions, in February and May, to discuss cross-border and peace security developments in the subregion and the Mano River basin, and to explore avenues for enhanced cooperation.

B. Cooperation with regional and subregional partners

Economic Community of West African States

21. Collaboration with ECOWAS remains a priority for UNOWA. My Special Representative maintained regular consultations with the President of the ECOWAS Commission, Mohamed Ibn Chambas, to coordinate efforts and undertake joint activities, especially in dealing with developing crisis situations. To further strengthen this partnership, UNOWA held a series of working-level discussions with ECOWAS counterparts in Abuja on 23 and 24 February, and in Dakar on 18 May, to identify priority areas for cooperation that could be reflected in an updated UNOWA-ECOWAS joint work programme. These include the implementation of the ECOWAS regional action plan on combating drug trafficking, food security, security sector reform, elections, good governance and the rule of law, proliferation of small arms and light weapons, and other cross-border issues.

22. As part of its efforts to strengthen the capacity of the ECOWAS standby force, UNOWA contributed to the reconnaissance and initial planning conference for its logistics field training exercise, which was held from 9 to 12 February in Ouagadougou. UNOWA staff also attended the 24th and 25th meetings of the ECOWAS Committee of Chiefs of Defence Staff in Praia from 4 to 6 March, and in Ouagadougou from 9 to 11 June. The main purpose of the 24th meeting was to update the road map for the standby force, which is expected to become operational by 2010, in line with the African Union timelines for subregional brigades. UNOWA also contributed to a planning conference held in Ouagadougou on 21 and 22 April to finalize the details of the logistics field training exercise. UNOWA participated as evaluator in the exercise with West African troop-contributing countries that took place from 9 to 12 June in Burkina Faso.

African Union-ECOWAS-United Nations partnership

23. UNOWA pursued consultations with representatives of the African Union aimed at enhancing coordination efforts between ECOWAS, the African Union and the United Nations in addressing subregional peace and security challenges. Joint missions were conducted to areas affected by instability and coups, such as Guinea. UNOWA also participated in the 26th meeting of the ECOWAS Mediation and Security Council, as well as a meeting convened by ECOWAS with international partners in Bissau on 19 and 20 March to discuss preparations for presidential elections in that country.

24. As part of a regular exchange of views and information on major developments in the subregion, UNOWA held a meeting on 28 April with diplomatic

representatives from ECOWAS countries in Dakar. Among the issues discussed were elections in West Africa, the crisis of governance and unconstitutional changes, insecurity in the Sahel, food security, drug trafficking and organized crime. UNOWA is also engaging in more regular consultations with diplomatic representatives of members of the Security Council, and has proposed to hold regular meetings with Dakar-based representatives to exchange information and analysis on peace and security in the region and explore how the international community can further strengthen its support to West Africa.

C. Governance

25. UNOWA was actively engaged in international efforts aimed at restoring democratic rule in countries that have recently undergone military coups or where democratic processes have come under threat.

Guinea

26. Since the military takeover following the death of President Lansana Conté on 22 December 2008, my Special Representative has been actively engaged with the Guinean authorities and other stakeholders in order to promote the shortest possible transition to constitutional order in the country and to pledge the support of the United Nations towards that end. My Special Representative was invited to address a meeting of the Peace and Security Council of the African Union on 29 December 2008 to consider the situation in Guinea, following which he undertook a visit to Conakry, on 3 January, to meet with the junta leader, Captain Moussa Dadis Camara, and other members of the National Council for Democracy and Development. Separate discussions were also held with representatives from Guinean political parties, civil society and trade unions, the donor community and United Nations agencies.

27. Following the ECOWAS condemnation of the coup and suspension of Guinea from meetings at heads of State and ministerial levels, my Special Representative engaged in ECOWAS and African Union-led efforts to secure a return to constitutional order. He participated in the initial consultative meeting on Guinea convened in Addis Ababa on 30 January, as well as meetings of the International Contact Group on Guinea, held in Conakry on 16 and 17 February, on 16 March, and on 4 and 5 May. These meetings provided an opportunity for Contact Group members to review the political situation in the country and progress made by Guinean authorities in meeting transitional commitments. The Group also focused on assisting and expediting the establishment of a national transitional council and the specification of a clear timeline for holding elections in 2009. On 7 April, my Special Representative and the AU Co-Chair of the Group undertook a joint visit to Conakry to encourage the President of the National Council for Democracy and Development to respect commitments made relating to the transitional timeline proposed by political parties, trade unions and civil society organizations on 17 March.

28. UNOWA also participated in discussions of the United Nations Executive Committee on Peace and Security, on 6 April in New York, to define a system-wide road map for United Nations support in Guinea and facilitate the mobilization of resources for elections and other priority areas.

Mauritania

29. My Special Representative pursued his efforts to find a consensual solution to the crisis in Mauritania following the overthrow of President Sidi Mohamed Ould Cheikh Abdallahi on 6 August 2008. He attended the consultative meeting convened by the African Union in Addis Ababa on 28 January and the meeting of the International Contact Group on Mauritania held in Paris on 20 February. While stressing the need for continued pressure on the junta to show flexibility, the Paris consultations acknowledged certain proposals made by key Mauritanian stakeholders as a basis for a constructive dialogue among Mauritanians, to be convened by the Chairperson of the African Union with the participation of the International Contact Group on Mauritania.

30. On 14 May, my Special Representative travelled to Nouakchott, to lay the ground for the preparation and launching of an inter-Mauritanian dialogue, as part of an international delegation led by President Abdoulaye Wade of Senegal, and composed of the Chairperson of the African Union Commission, the Libyan Minister for African Affairs (representing the current African Union Chair), and the Senegalese Minister of Foreign Affairs. He assisted in efforts that led to the holding of an initial meeting bringing together the three main Mauritanian parties on 15 May. From 19 to 22 May, my Special Representative participated in international efforts in Nouakchott to facilitate an agreement between the Mauritanian stakeholders on a consensual road map towards presidential elections. These efforts led to the Mauritanian talks held in Dakar from 28 May to 2 June, which culminated in the signing, on 4 June in Nouakchott, of a framework agreement that paves the way for an inclusive process towards the holding of presidential elections and the restoration of constitutional order.

Togo

31. Following the public announcement by the Government of Togo on 13 April of an alleged coup attempt, my Special Representative travelled to Lomé on 20 April to meet President Faure Gnassingbé, Prime Minister Gilbert Houngbo, leaders of the opposition and international partners in Lomé. My Special Representative conveyed the concerns of the United Nations regarding recent developments in the country and encouraged President Gnassingbé and political leaders to work together in creating conditions conducive to the holding of peaceful and fair elections in 2010. He also sought to ensure respect for judicial procedures and for the rights of individuals arrested in connection with the alleged coup attempt.

32. As a follow-up to his visit to Lomé, my Special Representative held discussions with President Blaise Compaoré of Burkina Faso, on 24 and 25 April in Ouagadougou, in his capacity as facilitator of the political dialogue in Togo, to encourage him to continue to assist the Togolese parties in reaching a consensus on the electoral process. He further pursued this matter on the occasion of the workshop on elections and security held in Lomé on 13 May, which brought together representatives of military and security forces, political parties, Parliament and other national institutions. On 30 March, a meeting was held in Dakar between UNOWA and ECOWAS to discuss the possibility and modalities of a joint pre-elections assessment mission in Togo.

Elections and security

33. UNOWA continued to support efforts aimed at creating conditions conducive to the holding of elections in Guinea, Mauritania and Niger in 2009. The Office continued to play an active role in international forums, such as the international contact groups on Mauritania and Guinea, which focused on promoting conditions for peaceful elections as part of a process towards the restoration of constitutional order. My Special Representative also encouraged the authorities in Niger to hold presidential elections as scheduled in 2009. UNOWA supported the United Nations Peacebuilding Support Office in Guinea-Bissau (UNOGBIS) in its efforts to address the challenges related to security and elections in Guinea-Bissau. My Special Representative also raised the issue of the date for presidential elections with President Compaoré in his capacity as facilitator of the Ivoirian peace process, when he met him in Ouagadougou on 25 April, before the Security Council meeting of 28 April, to consider the situation in Côte d'Ivoire.

34. Meanwhile, UNOWA pursued the initiative it launched in 2008, in coordination with ECOWAS, to trigger a process of broad consultations on the issue of security and elections in West Africa. As a follow-up to the workshop it organized from 24 to 26 November 2008 in Conakry, the Office published and widely distributed a paper on the role of the security sector in election processes in West Africa. The paper recommends actions to improve security during electoral processes in the subregion. The follow-up meeting to the Conakry workshop, held in Lomé on 13 and 14 May and jointly facilitated by the United Nations Regional Centre for Peace and Disarmament in Africa (UNREC) and the Office of the High Commissioner for Human Rights (OHCHR), contributed to the development of a national strategy to secure forthcoming elections in the country, with the mainstreaming of human rights in the electoral process.

35. As part of its efforts to support security sector reforms in West African countries, UNOWA attended the round table on restructuring and modernizing the defence and security sector in Guinea-Bissau that took place in Praia on 20 April. The event, which was organized by ECOWAS, the Community of Portuguese Language Countries, UNOGBIS, and the Governments of Cape Verde and Guinea-Bissau, aimed at reinvigorating and expediting implementation of the country's security sector reform programme.

D. Cross-border issues

Drug trafficking and organized crime

36. UNOWA continued to devote special attention to drug trafficking and organized crime as a threat to security in West Africa. During the reporting period, the Office focused its efforts on enhancing cooperation with the United Nations Office on Drugs and Crime (UNODC), supporting ECOWAS in the implementation of its regional action plan on drug trafficking, and seeking to strengthen its own capacity to play a role in concerted efforts to combat this scourge.

37. On 18 March, my Special Representative met the Executive Director of UNODC in Vienna to discuss strengthening UNOWA-UNODC collaboration and United Nations support to ECOWAS. This followed a mission undertaken by the United Nations Department of Peacekeeping Operations, the United Nations

Department of Political Affairs and UNOWA to the General Secretariat of the International Criminal Police Organization (INTERPOL) in Lyon on 15 January to further develop joint integrated strategies to combat organized crime. The West Africa Coast Initiative, which is aimed at establishing transnational crime units in four pilot countries (Guinea-Bissau, Sierra Leone, Liberia and Côte d'Ivoire) to strengthen national law enforcement and intelligence-gathering capacities, was developed and presented at the eighteenth session of the UNODC Commission on Crime Prevention and Criminal Justice in Vienna on 21 April.

38. UNOWA also attended several meetings, including the 8th semi-annual liaison officers' meeting organized by the UNODC regional office in Dakar on 1 April, to examine the status of the ECOWAS 2008-2011 regional action plan on illicit drug trafficking and organized crime in West Africa, and to review the partnership between UNODC, the United Nations Department of Political Affairs, UNOWA, the United Nations Department of Peacekeeping Operations and INTERPOL in supporting implementation of this plan. The Office also participated in the experts' meeting organized by ECOWAS in Abuja on 12 and 13 May that endorsed the operational plan of the ECOWAS Commission aimed at assisting its member States in the implementation of the action plan. At this meeting, the monitoring and evaluation mechanism for the plan was also endorsed and participants expressed support for the West Africa Coast Initiative that was presented to them.

Cross-border security

39. In the area of security and defence, UNOWA participated in a two-week seminar on terrorism at the regional training centre for combating drugs in Abidjan from 6 to 9 February. The contribution of UNOWA included presentations on the United Nations and terrorism, security threats to West Africa, bomb alerts and demining. The Office also attended a regional working-level meeting of the Group of Eight (G-8) Counter-Terrorism Action Group in Dakar on 3 March, which examined the implementation of Security Council resolution 1373 (2001) on combating terrorism in several West African countries and which provided an opportunity for UNOWA and embassies based in Dakar to explore avenues for strengthening their partnership on terrorism-related issues.

40. On 26 March, UNOWA attended a seminar on maritime security in the Gulf of Guinea, held in Douala, Cameroon, during which guidelines were developed for establishing a subregional coordination centre for maritime security. The Office intends to encourage ECOWAS to develop a similar initiative.

41. In the area of disarmament, UNOWA contributed to a regional seminar in Dakar on 28 and 29 April for countries in Central, North and West Africa to discuss the adoption of an arms trade treaty, as part of a project that the United Nations Institute for Disarmament Research (UNIDIR) is implementing for the European Union.

Sahel region

42. During the reporting period, UNOWA continued to follow developments and liaise with international partners on the security situation in the Sahel, in particular activities of criminal networks and terrorist groups related to Al-Qaida, especially in the light of the abduction of my Special Envoy, Mr. Robert Fowler, and his colleagues as well as other foreigners. My Special Representative seized every

opportunity to encourage national authorities and other stakeholders in the subregion to determine a final date for the holding of the proposed regional conference on development and security in the Sahel.

43. On 12 and 13 March, my Special Representative undertook a mission to Niamey to discuss with senior Government officials, members of the diplomatic corps and the United Nations country team the upcoming local, legislative and presidential elections and the situation in the northern part of the country. Similarly, as a follow-up to initial discussions with the Permanent Interstate Committee for Drought Control in the Sahel held in Ouagadougou on 2 August 2008, UNOWA visited the AGHRYMET Regional Centre in Niamey on 13 March to explore areas of collaboration and joint action on food security and climate change and their impact on subregional stability.

Youth unemployment

44. UNOWA continued to host the West African office of the Youth Employment Network. My Special Representative took the opportunity of his visit to Vienna on 18 March to meet the Director-General of the United Nations Industrial Development Organization (UNIDO) to discuss youth employment and other issues of mutual concern.

45. For the Youth Employment Network competitive grant scheme in the Mano River Union countries (under a UNIDO programme), the staff of the Network in West Africa completed one-day training events in Côte d'Ivoire on 23 January. Of the 280 applications received, the Network granted 15 youth employment projects costing between $2,000 to $50,000. On 8 April the Network launched its databank on youth employment in West Africa, which details over 450 projects tackling youth employment in the subregion. The Network facilitated sessions of a two-day learning forum hosted by the International Youth Foundation in Nairobi on 16 and 17 April, under the auspices of the World Bank's Global Partnership to Promote Youth Employment and Employability. In June, the Youth Employment Network organized an event to promote private-public partnerships working on youth employment with the participation of 20 business representatives and 20 non-governmental organizations and also completed a study on projected private sector demand for youth labour in Ghana and Senegal.

E. Human rights and gender

46. During the reporting period, UNOWA contributed to efforts aimed at advancing the protection of human rights and mainstreaming gender equality in West Africa. In implementing Security Council resolutions 1325 (2000) and 1820 (2008), the Office undertook the mapping of gender and human rights-related activities in West Africa, through which it was able to foster stronger partnerships among a multitude of stakeholders in the subregion, thereby anticipating and avoiding undue duplication of efforts.

47. On 12 and 13 February, UNOWA held a meeting in Dakar with the ECOWAS Gender Development Centre, during which the two institutions finalized the statute of the network on peace and security in the ECOWAS subregion. From 16 to 20 March, the Office partnered with ECOWAS to formally launch the ECOWAS Peace Exchange, a Web-based narrative module aimed at providing in-depth

analysis of the root causes of conflicts and assisting in finding solutions to emerging threats to peace and security. From 31 March to 2 April, UNOWA participated in an experts' meeting in Accra which developed a manual on mainstreaming gender and women's issues in multidimensional peace support operations in West Africa.

48. UNOWA attended the second consultative meeting of human rights field presences in Conakry from 22 to 24 April. This meeting brought together heads of human rights components within peace missions, OHCHR country offices, human rights advisers and staff of the Secretariat of the United Nations to review the human rights situation in West Africa and to agree on cross-cutting thematic priorities, which were presented at the May meeting of heads of United Nations peace missions in West Africa.

49. On 28 and 29 April, UNOWA facilitated the establishment of a subregional working group on women, peace and security, which brought together relevant actors including the African Union Commission on Human and Peoples' Rights, ECOWAS, the Mano River Union, United Nations agencies and subregional civil society organizations. The working group adopted its terms of reference and an annual workplan for the 2009-2010 cycle.

50. In the margins of the forty-fifth ordinary session of the African Commission on Human and Peoples' Rights, held in Banjul from 13 to 27 May, UNOWA convened a meeting of West African civil society organizations on 12 and 13 May, during which participants adopted an action plan to address key challenges facing the subregion. On 13 May, my Special Representative addressed the African Commission and underlined the centrality of human rights to peace, security and development. He highlighted the issues impacting on social and political stability in West Africa, namely the resurgence of coups d'état and unconstitutional changes of Government, the food and financial crises, drug trafficking, organized crime and climate change. UNOWA staff also met with officials of the African Commission, after which the Commission decided to become a founding member of the West African working group on women, peace and security, and to work closely with UNOWA.

51. From 1 to 3 June, the United Nations Department of Political Affairs and the Office of the High Commissioner for Human Rights conducted a joint assessment mission to UNOWA to assess implementation of Policy Committee decisions on integration, in particular the level of integration of human rights in UNOWA activities and programmes. Particular attention was paid to the good practices developed so far in the framework of the cooperation between the Human Rights Section of UNOWA and the OHCHR West Africa Regional Office, which will be further formalized.

F. Cameroon-Nigeria Mixed Commission

52. UNOWA continued to assist the Cameroon-Nigeria Mixed Commission and the Follow-up Committee for the Greentree Agreement in fulfilling their respective mandates. In his capacity as Chairman of the Cameroon-Nigeria Mixed Commission, my Special Representative placed particular emphasis on creating conditions for expediting the field assessment of the land boundary between the two countries and commencing demarcation activities. Using his good offices during his visit to Abuja on 23 February, where he met with the Vice President and the

Minister of Foreign Affairs of Nigeria, my Special Representative worked with the parties to remove all obstacles to the convening of the twenty-fourth session of the Commission.

53. My Special Representative's efforts resulted in the resumption of the field assessment of the land boundary and an agreement to hold the twenty-fourth session of the Cameroon-Nigeria Mixed Commission on 11 and 12 June. So far, 832 kilometres out of the 1,950 kilometres of the land boundary have been assessed and agreed upon by the two parties. At the twenty-fourth session of the Mixed Commission, which was held on 11 and 12 June in Abuja, the parties demonstrated their willingness to strengthen cross-border cooperation, including by engaging more actively in sensitization efforts and community-development projects targeting affected populations along the border and in Bakassi. These commitments were reiterated in my presence in New York on 16 June, in the context of the eleventh meeting of the Follow-up Committee established by the Greentree Agreement of 12 June 2006.

IV. Observations and recommendations

54. Despite some positive developments in West Africa in the past six months, including the holding of peaceful elections in some countries and increased awareness of drug trafficking as a threat to regional security, I remain concerned by the continued fragility of the progress made and, in particular, to the continuing vulnerability of the subregion to socio-economic, environmental and humanitarian challenges. The continued engagement of financial and development institutions is needed to mitigate the adverse effects of the decline in economic growth and other destabilizing factors. Despite advances in governance and rule of law, the subregion is confronted with many setbacks, as evidenced by the recent wave of unconstitutional changes of government, which are a source of deep concern. To combat the phenomenon of coups d'état, the international community must respond in a firm, proactive, collective and consistent manner to address both their root causes and those practices that can serve as triggers, such as grievances related to wealth and power-sharing, deficiencies in governance, infringements of democratic processes and disregard for human rights. Current efforts of regional and subregional organizations, notably ECOWAS and the African Union, to reject and prevent unconstitutional changes of government deserve continued support, while cooperation with these organizations in preventive action should be strengthened.

55. I am encouraged by the contribution the United Nations system continues to make in support of subregional efforts to consolidate peace, democracy and development. UNOWA's role has proved useful in building synergies among United Nations agencies, programmes and funds, and in providing a forum for United Nations entities in West Africa to define their respective goals and achievements within the overall objective of supporting peace and stability in the subregion. I particularly appreciate and commend the cooperation and assistance provided to UNOWA by regional directors and United Nations country teams through their resident coordinators.

56. The support provided by the United Nations system to ECOWAS and the Mano River Union in their endeavours to consolidate social and economic achievements and to address subregional vulnerabilities is a most valuable contribution, which I

welcome. UNOWA will maintain its close working relationship with ECOWAS in forging lasting peace in the subregion. Furthermore, the efforts of my Special Representative in promoting a triangular working relation involving ECOWAS, the African Union and UNOWA in addressing peace and security challenges in West Africa, similar to the existing partnership between ECOWAS, UNOWA and the European Union, should be commended. Such a partnership will be critical in addressing the challenges of governance and the rule of law.

57. In the coming six months, UNOWA will continue to spearhead its synergy-driven approach and focus on priority areas, including advocacy for conflict prevention and peace consolidation in the subregion. In particular, UNOWA will continue to work in tandem with United Nations entities, as well as other actors, including civil society, to further support ECOWAS and the Mano River Union in the areas of good governance, human security, human rights, gender and the rule of law. It will also continue to play a significant role in the concerted efforts to address the scourge of drug trafficking and organized crime. UNOWA could further facilitate ongoing efforts if strengthened with a small police capacity with adequate specialist expertise. Special attention will also be given to pursuing UNOWA's ongoing subregional initiative aimed at strengthening the capacity of national institutions, including the security sector, in providing security during electoral processes.

58. I commend Cameroon and Nigeria for their continued commitment to the peaceful implementation of the ruling of the International Court of Justice on the land and maritime boundary between the two countries, as well as the donor countries for their support to the process. I would like to express my appreciation and gratitude to Kieran Prendergast for his contribution, as the Chairman of the follow-up committee of the Greentree Agreement until 28 February 2009. As Chairman of the Cameroon-Nigeria Mixed Commission, my Special Representative will continue to promote the smooth and peaceful settlement of the border dispute between the two countries.

59. In conclusion, I would like to express my appreciation to the Governments of West African States, ECOWAS, particularly its Chairman and the President of its Commission, and the Mano River Union, for their continued cooperation and support. I also extend my gratitude to the United Nations system, especially Regional Directors, Resident Coordinators, country teams, peace missions and regional agencies, and to civil society organizations and other partners for their continued collaboration with UNOWA. I wish to thank my Special Representative, Said Djinnit, and the staff of UNOWA and the Cameroon-Nigeria Mixed Commission for their tireless efforts towards sustainable peace and security in the subregion.

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Security Council

Distr.: General
30 June 2009

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Letter dated 19 June 2009 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit the attached letter dated 27 May 2009 from Judge Patrick Robinson, President of the International Tribunal for the Former Yugoslavia (see annex I) and the attached letter dated 29 May 2009 from Judge Dennis Byron, President of the International Criminal Tribunal for Rwanda (see annex II). Both letters relate directly to the ability of the International Tribunals to implement their completion strategies.

In his letter, President Robinson requests that the Security Council:

(a) Expand the membership of the Appeals Chamber by authorizing the President to redeploy four permanent judges from the Trial Chambers to the Appeals Chamber;

(b) Extend the term of office of judges of the International Tribunal for the Former Yugoslavia; and

(c) Authorize the International Tribunal for the Former Yugoslavia to exceed temporarily the statutory maximum number of ad litem judges serving at the Tribunal.

Similarly, President Byron requests that the Security Council:

(a) Expand the membership of the Appeals Chamber by authorizing the President to redeploy four permanent judges from the Trial Chambers to the Appeals Chamber; and

(b) Extend the term of office of judges of the International Criminal Tribunal for Rwanda.

In addition, President Byron is asking the Security Council to allow one judge to engage in another professional occupation in his home country and to work part-time while drafting his final judgement, and reconsider the entitlements of ad litem judges.

Both letters provide detailed explanations of and justification for the requests.

I should be grateful if you would bring the attached letters from President Robinson and President Byron to the attention of the members of the Security Council. Early action is needed in order to provide the International Tribunals with the continuity, stability and certainty necessary for the efficient and effective implementation of their completion strategies. I would therefore appreciate the Security Council considering this matter at the earliest opportunity.

(*Signed*) **BAN** Ki-moon

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Annex I

Letter dated 27 May 2009 from the President of the International Tribunal for the Former Yugoslavia addressed to the Secretary-General

By the present letter, I wish to bring to your attention three issues of importance to the efficient implementation of the completion strategy of the International Criminal Tribunal for the Former Yugoslavia, as contained in Security Council resolution 1534 (2004).

1. Redeployment of trial judges to the Appeals Chamber

The first issue concerns the necessity of redeploying four permanent trial judges from the International Tribunal for the Former Yugoslavia and four permanent trial judges from the International Criminal Tribunal for Rwanda to the Appeals Chamber upon the completion of their trial work to expedite the work of the Appeals Chamber.

The Tribunal has made an assessment of its projected appellate work and concluded that with the current composite of judges serving on the Appeals Chamber it will not complete its work until 2015. With the redeployment of eight additional judges, four from the International Tribunal for the Former Yugoslavia and four from the International Criminal Tribunal for Rwanda, it is estimated that the Tribunal can complete most appellate work by 2012, with four cases utilizing six judges running into July 2013. It is anticipated that the first redeployment of a trial judge to the Appeals Chamber from the International Tribunal for the Former Yugoslavia will take place in October 2010, and the last redeployment will take place with the end of the Karadžić case in February 2012. This proposed redeployment is contained in the Tribunal's 2010-2011 biennium budget submission and it is upon that basis that I bring it to your attention at this time.

2. Extension of the mandate of appeal, trial and ad litem judges

The second issue concerns the necessity of extending the mandate of the Tribunal's ad litem judges, permanent trial judges and appeals judges to allow the Tribunal to complete its outstanding work. Security Council resolution 1837 (2008) extended the terms of office of permanent judges who are members of the Appeals Chamber until 31 December 2010, or until the completion of the cases before the Appeals Chamber if sooner. It also extended the terms of office of permanent trial judges and ad litem judges of the Tribunal until 31 December 2009, or until the completion of the cases to which they are assigned if sooner. The Tribunal's projections show that some judges will be required for longer periods of time than other judges. Based on those projections, the Tribunal currently estimates that the extensions described below will be required

The following permanent judges currently assigned to the Appeals Chamber require extensions of their mandates until 31 July 2013, or until the completion of the cases to which they are assigned in the Appeals Chamber if sooner:

Patrick Robinson (Jamaica)

Liu Daqun (China)

Theodor Meron (United States of America)

The following permanent judges currently assigned to the Appeals Chamber require extensions of their mandates until 31 December 2012, or until the completion of the cases to which they are assigned in the Appeals Chamber if sooner:

Fausto Pocar (Italy)

Carmel Agius (Malta)

The following permanent judges currently assigned to the Trial Chambers and to be redeployed to the Appeals Chamber following the completion of their trials require extensions of their mandates until 31 July 2013, or until the completion of the cases to which they are assigned in the Appeals Chamber if sooner:

O-Gon Kwon (Republic of Korea)

Jean-Claude Antonetti (France)

The following permanent judges currently assigned to the Trial Chambers and to be redeployed to the Appeals Chamber following the completion of their trials require extensions of their mandates until 31 December 2012, or until the completion of the cases to which they are assigned in the Appeals Chamber if sooner:

Alphons Orie (the Netherlands)

Bakone Justice Moloto (South Africa)

The following permanent judges assigned to the Trial Chambers require extensions of their mandates until 31 December 2010, or until the trials to which they are assigned are completed, whichever is sooner:

Kevin Parker (Australia)

Christoph Flügge (Germany)

Christine Van den Wyngaert (Belgium) (elected to the International Criminal Court and expected to resign effective 1 September 2009)

Replacement of Mohamed Shahabuddeen (Guyana) (resigned effective 11 May 2009)

The following permanent judge assigned to the Trial Chambers requires extension of his or her mandate until 31 July 2012, or until the trials to which he or she is assigned are completed, whichever is sooner:

Replacement of Iain Bonomy (United Kingdom of Great Britain and Northern Ireland) (resigned effective 21 August 2009)

The following ad litem judges assigned to trials require extensions of their mandates and terms of service where necessary until 31 December 2010, or until the trials to which they are assigned are completed, whichever is sooner:

Pedro R. David (Argentina)

Michèle Picard (France)

Uldis Kinis (Latvia)

Frederik Harhoff (Denmark)

The following ad litem judges assigned to trials require extensions of their mandates and terms of service where necessary until 31 December 2011, or until the trials to which they are assigned are completed, whichever is sooner:

Elizabeth Gwaunza (Zimbabwe)

Flavia Lattanzi (Italy)

Antoine Kesia-Mbe Mindua (Democratic Republic of Congo)

Árpád Prandler (Hungary)

Stefan Trechsel (Switzerland)

The following ad litem judge assigned to trials requires the extension of his mandate and term of service until 28 February 2012, or until the trials to which he is assigned are completed, whichever is sooner:

Melville Baird (Trinidad and Tobago)

Finally, the Tribunal requests the extension of the terms of office of the following ad litem judges, who are not currently appointed to serve at the Tribunal, until 31 July 2012, or until the completion of any cases to which they may be assigned if sooner:

Frans Bauduin (the Netherlands)

Burton Hall (the Bahamas)

Jawdat Naboty (Syrian Arab Republic)

Raimo Lahti (Finland)

Chioma Egondu Nwosu-Iheme (Nigeria)

Prisca Matimba Nyambe (Zambia)

Brynmor Pollard (Guyana)

Vonimbolana Rasoazanany (Madagascar)

Tan Sri Dato Lamin Haji Mohd Yunus (Malaysia)

3. Assignment of a thirteenth ad litem judge

The third issue is a request that the Tribunal be permitted to go beyond the statutory limit of 12 ad litem judges and call for the assignment of one additional ad litem judge, taking the number of ad litem judges to 13 to allow the Tribunal to commence the Karadžić case in August with a reserve judge. The Tribunal anticipates that in November 2009 it will return to 11 ad litem judges with the delivery of the judgement in the *Popović et al.* case and the departure of two ad litem judges at that time (Kimberly Prost (Canada) and Ole Bjørn Støle (Norway)).

The Tribunal requests that it be permitted to assign up to 13 ad litem judges for the period of 1 August to 31 December 2009.

I should be grateful if you would bring the present letter to the attention of the Security Council and the General Assembly for their consideration.

(*Signed*) Patrick **Robinson**
President

Annex II

Letter dated 29 May 2009 from the President of the International Criminal Tribunal for Rwanda addressed to the Secretary-General

I am writing to you concerning four issues:

(a) The extension of the mandate of Trial Chamber and Appeals Chamber judges;

(b) The expansion of the Appeals Chamber;

(c) The specific situation of Judge de Silva;

(d) The status of the ad litem judges.

1. Expansion of the Appeals Chamber and redeployment of trial judges

Judge Robinson, Presiding Judge of the Appeals Chamber, and I have agreed on the need to request an enlargement of the Appeals Chamber. We have also agreed that Judge Robinson will make representations in this respect to the Security Council. The enlargement will be essential to provide the necessary resources to deal with the heavy workload to be expected at the appeals level from mid-2010. Among the currently serving seven permanent trial judges at the International Criminal Tribunal for Rwanda, the following four would be available for redeployment to the Appeals Chamber after completion of their cases:

Dennis Byron (Saint Kitts and Nevis)

Khalida Rachid Khan (Pakistan)

William H. Sekule (United Republic of Tanzania)

Arlette Ramaroson (Madagascar)

Judge Sekule and myself have not yet taken a definite decision as to whether to join the Appeals Chamber. In case our places would need to be filled, two options could be envisaged: either additional permanent judges could be appointed to the International Criminal Tribunal for Rwanda or the vacant positions could be left to be filled by judges from the International Tribunal for the Former Yugoslavia.

Attached to the present letter is an overview of the current assignments of all judges currently serving at the International Criminal Tribunal for Rwanda, including the expected dates of judgement delivery in their ongoing cases (see appendix I).

2. Extension of the terms of office of Trial Chamber and Appeals Chamber judges

The terms of office of the International Criminal Tribunal for Rwanda trial judges will currently expire on 31 December 2009, as set out in Security Council resolution 1824 (2008).

All but two of the trial judges currently serving at the Tribunal are sitting in cases in which the judgement drafting will last until at least mid-2010.

The only two judges who intend to finalize the judgement drafting in their current cases by the end of 2009 and who are not available for an extension of their

mandate are Erik Møse (Norway) and Sergei Alekseevich Egorov (Russian Federation). The specific situation of Judge de Silva is explained in section 3 below.

The terms of office of the two International Criminal Tribunal for Rwanda Appeals Chamber judges will currently expire on 31 December 2010, as set out in Security Council resolution 1824 (2008). However, according to current projections, some Appeals Chamber judges will have to serve until 2012 and others until mid-2013 in order to complete all appeal cases. It is therefore necessary to extend their mandate. At this stage, I would request that the Council extend the mandate of the Appeals Chamber judges to 31 December 2011. This extension should also apply to the trial judges who will be redeployed after finalizing their current cases.

Based on the above-mentioned considerations, I request the Security Council to extend the mandate of the currently serving judges as follows:

Permanent judges, Trial Chamber

Dennis Byron	Until 31 December 2011
Khalida Rachid Khan	Until 31 December 2011
William H. Sekule	Until 31 December 2011
Arlette Ramaroson	Until 31 December 2011
Joseph Asoka Nihal de Silva	Until 31 December 2010

Permanent judges, Appeals Chamber

Mehmet Güney	Until 31 December 2011
Andrésia Vaz	Until 31 December 2011

Ad litem judges

Solomy Balungi Bossa	Until 31 December 2010
Lee Gacugia Muthoga	Until 31 December 2010
Florence Rita Arrey	Until 31 December 2010
Emile Francis Short	Until 31 December 2010
Taghrid Hikmet	Until 31 December 2010
Seon Ki Park	Until 31 December 2010
Gberdao Gustave Kam	Until 31 December 2010
Vagn Joensen	Until 31 December 2010
Joseph Masanche	Until 31 December 2010
Mparany Rajohnson	Until 31 December 2010
Aydin Akay	Until 31 December 2010

3. Judge de Silva

Judge Joseph Asoka Nihal de Silva, one of the permanent judges, has indicated that he has to return to his national judiciary. Currently, he is Presiding Judge in the Military II case, a multi-accused trial in the judgement drafting phase. Judgement delivery is not expected before mid-2010.

Judge de Silva has presided in three additional single-accused cases (Muvunyi, Rugambarara and Rukundo) in parallel with the long evidence phase of the Military II trial.

Judge de Silva is fully committed to the completion of the Military II case and to his work during the judgement drafting phase. However, he is asking for permission to return to his country, take on judicial work there and finalize his work for the Tribunal on a part-time basis, returning to Arusha when necessary for deliberations and judgement delivery. Judge de Silva is willing to forego his International Criminal Tribunal for Rwanda salary during the time of part-time work. He has assured me that his obligations in Sri Lanka would not delay the judgement delivery at the Tribunal. As President of the Tribunal, I have accepted his assurances.

Considering the importance of ensuring timely completion of the Military II trial and taking into account the specificities of the situation of Judge de Silva, I request the Security Council to authorize Judge de Silva to work part-time until the delivery of the judgement in the Military II case and to engage in another occupation in his home country.

4. Status of the ad litem judges

The issue of the status of the International Criminal Tribunal for Rwanda ad litem judges has been raised before the Security Council already in the previous completion strategy report and will be addressed again in the next report, which I will present to the Security Council on 4 June.

As appears from the various documents and memorandums on this subject exchanged between the Secretary-General, the Fifth Committee of the General Assembly and the Advisory Committee on Administrative and Budgetary Questions, as well as the General Assembly resolutions on the issue, various entitlements including pension are withheld from ad litem judges on the basis that their service, unlike that of permanent judges, was expected to be of a temporary nature and could be intermittent (see A/55/806, para. 7, which stated: "This essential difference has been taken into account by the Committee [ACABQ] in evaluating the necessity of a number of the entitlements and allowances proposed in the report of the Secretary-General").

However, the initial assumption that ad litem judges would serve intermittently for brief periods only and with a different responsibility from permanent judges did not turn out to be so. The ad litem judges of the International Criminal Tribunal for Rwanda have contributed immensely to the effective functioning of the Tribunal and, more particularly, to the success of the completion strategy. From the inception of their terms of office they were assigned multiple cases and, due to the nature of these cases, they were required to take up permanent residence at the seat of the Tribunal. Through Security Council resolution 1855 (2008), they have been given the additional responsibility of acting as presiding judges because of the

unavailability of permanent judges to undertake this responsibility. Their competencies are now nearly identical to those of permanent judges.

The denial of the benefits mentioned above is therefore no longer justified, and is a matter of grave concern for the ad litem judges, nearly half of whom will have spent more than six years at the Tribunal by December 2009 (see appendix II). In spite of this concern, they have, up till now, continued to perform their functions diligently and steadfastly. The expeditious resolution of this matter is in the overall interest and proper functioning of the Tribunal and the success of the completion strategy.

I should be grateful if you would bring this matter to the attention of the General Assembly and the Security Council for their review of the current situation.

(*Signed*) Dennis **Byron**
President

Appendix I

Current assignments of judges and expected judgement delivery

Judge	*Case*	*Expected judgement delivery*
Permanent Judges		
Dennis C. M. Byron (Saint Kitts and Nevis)	Karemera et al. (presiding)	End 2010
	Kalimanzira (presiding)	Mid-2009
	Muvunyi (re-trial) (to start in June 2009) (presiding)	Second half of 2009
Khalida Rachid Khan (Pakistan)	Bizimungu et al. (presiding)	Mid-2010
	Nshogoza (presiding)	Mid-2009
	Ntawukulilyayo (presiding)	Mid-2010
William H. Sekule (United Republic of Tanzania)	Nyiramasuhuko et al. (Butare) (presiding)	Mid-2010
	Ngirabatware (presiding) (start of the trial not yet clear following Appeals Chamber decision to change the trial date)	Second half of 2010
Erik Møse (Norway)	Renzaho (presiding)	Second quarter of 2009
	Nsengimana (presiding)	Third quarter of 2009
	Setako (presiding)	Fourth quarter of 2009
Arlette Ramaroson (Madagascar)	Nyiramasuhuko et al. (Butare)	Mid-2010
	Hategekimana (presiding)	Early 2010
Sergei Alekseevich Egorov (Russian Federation)	Renzaho	Second quarter of 2009
	Nsengimana	Third quarter of 2009
	Setako	Fourth quarter of 2009
Asoka J. N. de Silva (Sri Lanka)	Ndindilyimana et al. (Military II) (presiding)	Mid-2010

Judge	*Case*	*Expected judgement delivery*
Ad Litem Judges		
Solomy Balungi Bossa (Uganda)	Nyiramasuhuko et al. (Butare)	Mid-2010
	Ngirabatware (start of the trial not yet clear following Appeals Chamber decision to change the trial date)	Second half of 2010
Lee Gacuiga Muthoga (Kenya)	Bizimungu et al.	Mid-2010
	Nshogoza	Mid-2009
	Ntawukulilyayo	Mid-2010
Florence Rita Arrey (Cameroon)	Renzaho	Second quarter of 2009
	Nsengimana	Third quarter of 2009
	Setako	Fourth quarter of 2009
	Munyakazi (presiding)	Mid-2010
Emile Francis Short (Ghana)	Bizimungu et al.	Mid-2010
	Kanyarugika (to start in June 2009) (presiding)	Mid-2010
Taghrid Hikmet (Jordan)	Ndindilyimana et al. (Military II)	Mid-2010
	Hategekimana	Early 2010
Seon Ki Park (Republic of Korea)	Ndindilyimana et al. (Military II)	Mid-2010
	Kanyarugika (to start in June 2009)	Mid-2010
Gberdao Gustave Kam (Burkina Faso)	Karemera et al.	End 2010
	Kalimanzira	Mid-2009
	Muvunyi (re-trial) (to start in June)	End 2009

Judge	*Case*	*Expected judgement delivery*
Vagn Joensen (Denmark)	Karemera et al	End 2010
	Kalimanzira	Mid-2009
	Muvunyi (re-trial) (to start in June)	End 2009
Joseph E. Chiondo Masanche (United Republic of Tanzania)	Hategekimana	Early 2010
	Kanyarugika (to start in June 2009)	Mid-2010
Richard Mparany M. Rajohnson (Madagascar)	Munyakazi	Mid-2010
	Ngirabatware (start of the trial not yet clear following Appeals Chamber decision to change the trial date)	Second half of 2010
Aydin Sefa Akay (Turkey)	Munyakazi	Mid-2010
	Ntawukulilyayo	Mid-2010

Appendix II

Duration of service of ad litem judges

Judge	*Years of uninterrupted service in December 2009*
Solomy Balungi Bossa (Uganda)	6 years, 4 months
Lee Gacuiga Muthoga (Kenya)	6 years, 2 months
Florence Rita Arrey (Cameroon)	6 years, 2 months
Emile Francis Short (Ghana)	5 years, 7 months
Taghrid Hikmet (Jordan)	5 years, 4 months
Seon Ki Park (Republic of Korea)	5 years, 4 months
Gberdao Gustave Kam (Burkina Faso)	5 years, 4 months
Vagn Joensen (Denmark)	2 years, 8 months
Joseph E. Chiondo Masanche (United Republic of Tanzania)	11 months
Richard Mparany M. Rajohnson (Madagascar)	11 months
Aydin Sefa Akay (Turkey)	11 months

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Letter dated 26 June 2009 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit the attached letter dated 15 June 2009 from Judge Dennis Byron, President of the International Criminal Tribunal for Rwanda (see annex). The letter directly relates to the ability of the Tribunal to complete its work.

In his letter, President Byron requests that the Security Council:

(a) Allow one judge to engage in another professional occupation in his home country and to work part-time at the International Tribunal while drafting his final judgement; and

(b) Permit the Tribunal to recruit an additional ad litem judge from among the former permanent judges of the International Tribunal for the Former Yugoslavia or the ad litem judges of the International Tribunal for the Former Yugoslavia who have not been assigned to any case.

The letter sets out the justification for the requests.

I would be grateful if you would bring the present letter and its annex to the attention of the members of the Security Council. I would appreciate the Security Council considering this matter at the earliest opportunity in order to provide the International Criminal Tribunal for Rwanda with the continuity and certainty necessary for the efficient completion of its work.

(*Signed*) **BAN** Ki-moon
Secretary-General

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Annex

Letter dated 15 June 2009 from the President of the International Criminal Tribunal for Rwanda to the Secretary-General

15 June 2009

I am writing to you with an urgent request:

Since my return from New York, I have been informed by Judge Short, the ad litem judge from Ghana serving on the International Criminal Tribunal for Rwanda, that he wishes to leave the Tribunal and is no longer ready to take on the case of *Kanyarukiga*, for which you had appointed him as Presiding Judge. In his letters to me, he refers to health problems and his wish to return to his previous position as Human Rights Commissioner of Ghana.

The decision of Judge Short puts the Tribunal in a particularly difficult situation. As you know, we are currently requesting the Security Council for an exceptional authorization for Judge de Silva to finalize his work at the Tribunal on a part-time basis while taking on judicial work in his home country of Sri Lanka. As Judge de Silva is presiding in a multi-accused trial (*Military II*), in which judgement delivery is expected in mid-2010, only this arrangement can ensure that he will not resign but finalize the work on the judgement.

The situation in connection with Judge Short is similarly difficult. Earlier, he had requested an authorization for part-time work, but in long discussions I had convinced him to stay on and to take over one of the new cases, *Kanyarukiga*. Unfortunately, he has now changed his mind. Judge Short is also sitting on the bench in the *Bizimungu et al.* case, a complex case involving four accused, in which the evidence phase lasted 400 trial days. Judgement delivery is expected in mid-2010. Judge Short is willing to finalize his work on the judgement if he is authorized to take up work again in his home country and to finalize the judgement for the Tribunal on a part-time basis.

With the length and complexity of the *Bizimungu* case in mind, I am left with no choice but to request that the Security Council include Judge Short in the requested authorization for Judge de Silva for part-time work until the delivery of the judgement in the cases to which they are assigned.

The decision of Judge Short not to preside in the *Kanyarukiga* trial has obvious serious implications also for the composition of the bench. All in all, benches still need to be composed for another five new trials to commence in 2009. Currently, only 14 judges are at all available at the Tribunal to take on new cases, but many of them are already handling a workload that does not allow for additional assignments. In particular, assigning presiding judges is difficult: they need to be experienced and have the capacity to handle the particular workload this function involves. I had originally decided against requesting an additional ad litem judge. The new situation, after the decision of Judge Short, with the loss of a presiding judge, makes it, however, unavoidable to request the appointment of another ad litem judge to serve on the Tribunal.

Previous attempts to recruit an additional judge from the available roster of judges elected in 2003 were not successful. All those remaining on the roster, namely, the judges from Sweden, the United Kingdom, the Netherlands and Panama, have been unavailable to take on service at the Tribunal during the current year. The

judge from Malaysia has passed away. The judge from Italy most likely will not be available before the end of October, which creates difficulties for our completion strategy. Several of the new cases have had to be adjourned for a variety of reasons, and it is important for the *Kanyarukiga* trial to commence in August in order not to risk a spillover of the evidence phase into 2010.

Therefore, I would like to request that an additional judge be recruited from among the retired permanent judges of the International Tribunal for the Former Yugoslavia or from among the ad litem judges on the roster of the International Tribunal for the Former Yugoslavia who are available and willing to join the International Criminal Tribunal for Rwanda at short notice. It would be particularly important in this situation to recruit an experienced judge who could replace Judge Short in presiding in the *Kanyarukiga* case and would allow the International Criminal Tribunal for Rwanda to meet the goals of its completion strategy.

I would be grateful if you could bring this urgent matter to the attention of the Security Council.

(*Signed*) Dennis **Byron**
President of the International Criminal Tribunal for Rwanda